

REMARKS

The Applicants' would like to thank Examiner Mehra and Primary Examiner Ton for the telephone interview conducted on July 12, 2004. The telephone interview was very helpful in clarifying the issues in this case and in moving the case forward. In response to the telephone interview, Claim 22 has been amended to more clearly state the claimed invention. Claims 2-6, 9-12, and 14-24 remain in the application. Reconsideration of this application is respectfully requested in light of the amendments and the remarks presented herewith.

In the Office Action dated April 5, 2004, Claims 2, 6, 9, 12, 15-16 and 21-24 are rejected as obvious in light of the combination of Haggerty (USPN 6,331,983) and Cotton (USPN 4,740,954). Claims 3-5, 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haggerty in view of Cotton, Brachman (USPN 6,704,576) and Donohue (USPN 6,266,339). Claims 10, 11 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haggerty in view of Cotton, Brachman, and Adelman (USPN 6,006,259).

Regardless of how obvious it may be to combine the teachings of Haggerty and Cotton, the Applicants assert that such a combination fails to teach the invention of the present application.

Each claim of the present application recites or depends from claims that recite:

...determining whether any packets are received by the first host within a designated time period after the step of issuing a join command; and

if any packets are received by the first host within the designated time period, determining that the first host is joined to the multicast group address; otherwise, if any packets are not received by the first host within the designated time period, determining that the first host is not joined to the multicast group address.

As set forth in the specification, the present invention provides a method for the first host to determine whether it has joined a multicast group address (page 4, lines 17-19). Particularly, upon receiving indicia that a second host is actively sourcing packets to the multicast group address, the first host issues a join command in an attempt to join the multicast group address. If the first host receives a packet within a designated time period associated with the attempt, it is determined that the first host is joined to the multicast group address; otherwise, it is determined that the first host is not joined to the multicast group address (page 4, lines 23-27). Thus, the

present invention provides for detecting failed Join(s) relatively quickly (i.e., without relying on periodic updates from router(s) of the network) so that, when necessary, the Join(s) may be re-accomplished to reduce or eliminate the likelihood that the receiving host(s) will lose critical information that may be conveyed in a talkgroup or point-to-point call (page 3, lines 12-17).

In contrast to the present invention, Haggerty et al. discloses a multicast switching method whereby the *sender* of a multicast message starts a timer upon transmission of the message and waits for acknowledgements from the receivers. If the timer expires prior to receiving an acknowledgement from a given receiver, the sender resends the message to the given receiver (col. 17, lines 39-45). Nowhere does Haggerty teach, suggest or make obvious *...determining whether any packets are received by the first host within a designated time period after the step of issuing a join command; and*

if any packets are received by the first host within the designated time period, determining that the first host is joined to the multicast group address; otherwise, if any packets are not received by the first host within the designated time period, determining that the first host is not joined to the multicast group address.

The Examiner acknowledges that Haggerty fails to disclose determining that the receiving host is reliably joined to the multi-cast group address if any packets are received within a designated period, and attempts to use Cotton to fill this void. Cotton, however, discloses a multicast routing algorithm such that the network determines which hosts wish to join/leave a multicast conversation. A host that wishes to participate (join) a multicast conversation transmits packets to the multicast address, and when it wishes to stop participating (leave) the multicast conversation, the host stops transmitting packets to the multicast address. The network builds a table of hosts that wish to participate in the multicast conversation based on the packets transmitted to the multicast address within a maximum interpacket time interval, but smaller than the Maxtime. If a packet is not received from a host prior to the Maxtime, the network clears the relevant table entry corresponding to the host from the table. Thus, Cotton discloses how *the network* keeps tracks of hosts who wish to participate in the multicast group by adding and deleting entries into a table [see column 3, lines 10-29]. Nowhere does Cotton teach, suggest, or make obvious *the host* determining whether it has successfully joined the multicast group address based on *the host* receiving packets within a designated time period.

Thus, the Applicants assert that these two references when combined would not permit one skilled in the art to produce the invention of the present application. Based upon this lack of teaching, the Applicants assert that the cited references fail to teach the invention of the present application, for nowhere do they teach, suggest, or make obvious

...determining whether any packets are received by the receiving host within a designated time period after the step of issuing a join command; and

if any packets are received by the receiving host within the designated time period, determining that the receiving host is joined to the multicast group address; otherwise, if any packets are not received by the receiving host within the designated time period, determining that the receiving host is not joined to the multicast group address.

Since the differences between the subject matter as claimed and the cited references are so clearly significant, the Applicants assert that the subject matter as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made. In accordance, the Applicants assert that the cited references fail to teach, suggest or make obvious the invention of the present application.

For these reasons, Applicants assert that the claims in the present application are in proper form for allowance and an early notice of allowance is respectfully requested. In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

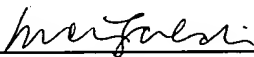
No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

Respectfully submitted,

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